

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID R. KITTAI,

Plaintiff,

-v-

JOSEPH KORFF,

Defendant.

Case No. 08 CV 7421 (RPP)

**NOTICE OF MOTION FOR
RECONSIDERATION, JUDGMENT,
ATTORNEYS FEES AND LITIGATION
COSTS, AND A STAY**

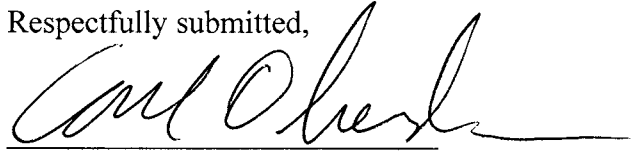
PLEASE TAKE NOTICE, that upon the accompanying memorandum of law; the accompanying letter brief to the Court, the Declarations of Carl W. Oberdier and Joseph Korff, both executed on November 4, 2010, the accompanying exhibits; and the pleadings herein, defendant moves this Court:

- a. Pursuant to Local Rule 6.3 and Fed. R. Civ. P. 59(e) or, in the alternative, Fed. R. Civ. P. 60(b), for reconsideration of this Court's Order dated October 25, 2010 (the "Order"), denying Defendant's motion to dismiss on statute of limitations grounds, and, upon reconsideration, entry of judgment for Defendant, and
- b. Pursuant to 28 U.S.C. § 1927 and this Court's inherent authority, awarding Defendant his attorneys fees and litigation costs incurred from the date of such Order until this case is finally disposed of, based on the intentional misrepresentations to this Court by Plaintiff's counsel that led to the issuance of such Order,
- c. Pursuant to this Court's inherent authority, a stay of all proceedings on the jury's verdict, including any entry of judgment, motions for judgment on, or notwithstanding, the jury's verdict, and any motion by Plaintiff for attorneys' fees pursuant to N.Y. D.C.L. § 276-a, pending the Court's ruling on Defendant's motion for reconsideration, and

d. Such further relief as the Court deems just and proper.

Dated: New York, New York
November 4, 2010

Respectfully submitted,



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